

Ordinance No. 24-07

ORDINANCE:

To Amend Chapter 10.5 of the Rockville City Code, entitled “Forest and Tree Preservation” by amending Section 10.5-24 entitled “Payment in Lieu of Reforestation and Afforestation” so as to provide that monetary contributions in lieu of tree replacement, reforestation or afforestation be made to the City’s Park Maintenance Fund as well as the City’s Forest Conservation Fund and to set forth the purposes for which monies from the Park Maintenance Fund may be used, and by modifying the title of the section to accurately reflect the requirements of the section

BE IT ORDAINED BY THE Mayor and Council of Rockville, MARYLAND
THAT Chapter 10.5 entitled “Forest and Tree Preservation” by amended by amending
Section 10.5-24 entitled “Payment in lieu of Reforestation and Afforestation” to read as
follows:

Sec. 10.5-24. Payment in lieu of tree replacement, reforestation and afforestation.

(a) If an applicant provides written justification demonstrating that tree replacement, reforestation or afforestation cannot be accomplished on-site, the applicant may, with the approval of the City Forester, contribute to the City’s Forest Conservation Fund and Park Maintenance Fund an amount in lieu of tree replacement, reforestation or afforestation as set forth in the Conservation Manual. Said justification must contain the following information:

(1) How planting space is limited to accommodate one or more of the following:

- i. Right-of-way dedications
- ii. Site access
- iii. Utility connections
- iv. Other City development standards

(2) Why the development cannot be altered to provide adequate planting space. Cost, alone, or the desire not to alter preferred site design shall not

be sufficient justification for not altering the development to preserve priority retention areas.

(3) How the minimum tree cover requirement, as determined by the afforestation threshold, is being met on-site.

(b) The City may use funds from the City Forest Conservation Fund for those purposes authorized by the State Forest Conservation Technical Manual or the DNR. Funds shall not be used to plant or maintain trees on single-family residential lots.

(c) The City may use the funds from the Park Maintenance Fund for the purposes of installing, maintaining, and replacing trees, shrubbery, and other landscaping on City-owned parkland. Maintenance may include control and eradication of invasive/exotic plants. Funds shall not be used for the installation, maintenance, or replacement of any hardscape, except to the extent that such hardscape is deemed by the City to be necessary to protect and preserve plant material.

NOTE: Underlining indicates material added.

* * * * *

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of October 22, 2007.

Claire F. Funkhouser, City Clerk